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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/726,277	12/02/2003	Masato Fujiwara	CANO:101	3379

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EXAMINER
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BARTON, JONATHAN A

ART UNIT	PAPER NUMBER
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2186

DATE MAILED: 03/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/726,277	<b>Applicant(s)</b> FUJIWARA ET AL.	
	<b>Examiner</b> Jonathan Barton	<b>Art Unit</b> 2186	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 5 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 02 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 and 21-25 is/are rejected.
- 7) ☒ Claim(s) 18-20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/2/2003</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. Claim 12 recites the limitations "the formatting" in line 2, "the format" in line 3 and "the other storage medium" in line 4. There is insufficient antecedent basis for this limitation in the claim.
2. Claim 13 recites the limitation "the access right" in line 2. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
2. Claims 1, 3-5, 12-17, 21-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ikeda (US 6,490,667) in view of Muehring (US 2003/0145183).
  - a. As for claims 1 and 15 Ikeda discloses
    - i. a storage cartridge including a storage medium (Col. 1 Lines 30-33),
    - ii. a storage medium control device that performs writing of data in said storage medium and reading of data from said storage medium (Col. 1 Lines 33-37), and

- iii. a casing that contains said storage medium and said storage medium control device (Fig. 4 Item 7, Col. 3 Lines 27-28);
  - iv. a main unit including a receiving and ejecting device that receives said storage cartridge from an outside of said main unit into a predetermined inner position within said main unit (Col. 8 Lines 9-14), and
  - v. ejects said storage cartridge out of said main unit from the predetermined inner position (this ejecting step is not disclosed, but the cartridge of Ikeda will be ejected in some manner from the inner position in conjunction with normal usage and operation of such a system), and
  - vi. a storage operation control device that controls storage operation for storing data in said storage cartridge (Col. 3 Lines 56-59);
  - vii. an accessibility determining device that determines whether or not access to contents recorded on said storage medium can be gained before said receiving and ejecting device performs a receiving operation (Col. 3 Line 64 – Col. 4 Line 13); and
  - viii. a reception inhibiting device that inhibits said receiving and ejecting device from performing the receiving operation when said accessibility determining device determines that the access cannot be gained (Col. 4 Lines 23-28).
- b. Ikeda fails to disclose that the accessibility determining device and reception inhibiting device are physically located on the main disk. Muehring teaches a system that checks the that the removable memory inserted into a

main unit is the proper removable memory, and teaches that the hardware to do so is located within the main unit (Par. 22). It would have been obvious to combine the main unit hardware taught by Muehring with the removable disk verifying system disclosed by Ikeda because both systems perform essentially similar functions and the cost would be reduced, possibly by a great deal, by putting the checking hardware on the main unit since only one set of hardware would then be necessary.

c. As for claim 3 Ikeda discloses

ix. said storage cartridge includes another storage medium storing format information and access right information of said storage medium (Fig. 5 Item 3b, Col. 1 Lines 33-34), and

x. said accessibility determining device tries access to the other storage medium to thereby determine from the format information and the access right information whether or not the access can be gained (Col. 3 Line 64 – Col. 4 Line 13).

d. As for claim 4 Ikeda discloses

xi. the other storage medium is a nonvolatile semiconductor memory (Col. 3 Lines 64-67 – *“unalterably stored” implies nonvolatile semiconductor memory*).

e. As for claim 12 Ikeda discloses

- xii. when the formatting is executed, format information on the format of said storage medium is written into the other storage medium (Col. 4 Lines 54-57).
- f. As for claim 13 Ikeda discloses
  - xiii. when the access right is changed during use of said storage cartridge, access right information on the changed access right is written into the other storage medium (Col. 4 Lines 54-57).
- g. As for claim 14 Ikeda discloses
  - xiv. An electronic information apparatus including the portable storage device as claimed in claim 1 (Col. 3 Lines 17-22).
- h. As for claim 16 Ikeda discloses
  - xv. A control program for a portable storage device, for causing a computer to execute the method as claimed in claim 15 (Col. 3 Lines 56-59).
- i. As for claims 17 and 24 Ikeda discloses
  - xvi. a storage cartridge including a storage medium (Col. 1 Lines 30-33),
  - xvii. a storage medium control device that performs writing of data in said storage medium and reading of data from said storage medium (Col. 1 Lines 33-37), and
  - xviii. a casing that contains said storage medium and said storage medium control device (Fig. 4 Item 7, Col. 3 Lines 27-28);

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xix. a main unit including a receiving and ejecting device that receives said storage cartridge from an outside of said main unit into a predetermined inner position within said main unit (Col. 8 Lines 9-14), and

xx. ejects said storage cartridge out of said main unit from the predetermined inner position (this ejecting step is not disclosed, but the cartridge of Ikeda will be ejected in some manner from the inner position in conjunction with normal usage and operation of such a system), and

xxi. a storage operation control device that controls storage operation for storing data in said storage cartridge (Col. 3 Lines 56-59);

xxii. a receiving/ejecting operation determining device that determines an operative state of said receiving and ejecting device (Col. 5 Lines 32-35, Col. 1 Lines 45-58); and

xxiii. an access inhibiting device that inhibits access to said storage medium based on control by said storage operation control device from being gained, depending on a result of the determination by said receiving/ejecting operation determining device (Col. 4 Lines 23-28).

j. As for claim 21 Ikeda discloses

xxiv. said access inhibiting device comprises a signal cutoff device that electrically cuts off at least part of electric signals transmitted between said storage operation control device and said storage cartridge (Col. 4 Lines 23-25).

k. As for claim 22 Ikeda discloses

xxv. said signal cutoff device comprises a semiconductor device (Col. 4 Lines 23-25).

l. As for claim 23 Ikeda discloses

xxvi. An electronic information apparatus including the portable storage device as claimed in claim 17 (Col. 3 Lines 17-22).

m. As for claim 25 Ikeda discloses

xxvii. A control program for causing a computer to execute the method of controlling a portable storage device as claimed in claim 24 (Col. 3 Lines 56-59).

3. Claims 2, 6-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ikeda (US 6,490,667) in view of Muehring (US 2003/0145183) and further in view of Yamagishi et al. (JP 404,014,675).

4. Examiner is currently obtaining a certified translation of Yamagishi et al. (JP 404,014,667). Currently the English summary of this patent is being relied upon for rejection. A copy of the certified translation will be forwarded to applicant upon its completion. An extended shortened statutory period of 5 months has been granted to compensate for this delay in resource availability. If upon examination it is determined that the provided English summary was not in fact representative of the contents of the patent then this section (Par. 3, 4, n-t) of this office action will be modified accordingly.

n. As for claim 2 the combination of Ikeda and Muehring fails to disclose the following limitation, which is taught by Yamagishi:



xxviii. said accessibility determining device determines whether or not the access can be gained by trying access to said storage medium

(CONSTITUTION: Lines 4-5).

xxix. It would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the storage medium access taught by Yamagishi with the removable storage device system disclosed by the combination of Ikeda and Muehring because both systems deal with accessing and determining the validity of a memory device and Yamagishi's method decreases the number of physical parts necessary for operation and therefore decreases the cost of the system.

o. As for claim 6 Yamigishi teaches

xxx. said accessibility determining device determines whether or not the access can be gained by determining whether or not said storage medium is formatted (CON: Lines 4-5).

p. As for claim 7 Yamigishi teaches

xxxi. said accessibility determining device determines whether or not the access can be gained by determining whether or not said storage medium is controllably formatted (CON: Lines 4-8).

q. As for claim 8 Muehring teaches

xxxii. said accessibility determining device determines whether or not the access can be gained by determining whether or not a user has an access right to said storage medium (Par. 30).

- r. As for claim 9 Ikeda discloses
  - xxxiii. said receiving and ejecting device is responsive to a determination by said accessibility determining device that the access can be gained, for receiving said storage cartridge into the predetermined inner position substantially simultaneously with completion of the determination (Par. 4 Lines 14-22).
- s. As for claim 10 Yamagishi teaches
  - xxxiv. a notification device which is responsive to a determination by said accessibility determining device that the access cannot be gained, for notifying a user that the access cannot be gained (CON: Lines 8-10).
- t. As for claim 11
  - xxxv. a format process device which is responsive to a determination by said accessibility determining device that the access cannot be gained (Col. 4 Lines 38-44),
  - xxxvi. for asking the user whether or not said storage medium is to be formatted (Col. 4 Lines 47-53), and
  - xxxvii. is responsive to an instruction by the user that said storage medium is to be formatted (Col. 4 Lines 54-57),
  - xxxviii. for causing said storage cartridge to be received into the predetermined inner position and formatting said storage medium in a controllable format (Col. 4 Lines 62-67).

***Allowable Subject Matter***

5. Claims 18-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. The following is a statement of reasons for the indication of allowable subject matter:

u. Claim 18 contains at least the following reasons for allowable subject matter:

xxxix. The combination of the 4 different operative states, and when the operative state corresponds to one of *the loading state and the ejecting state*, said access inhibiting device inhibits the access to said storage medium based on control by said storage operation control device from being gained.

***Conclusion***

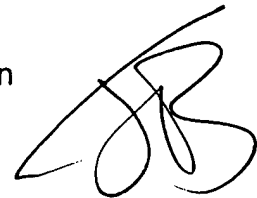
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan Barton whose telephone number is 571-272-8157. The examiner can normally be reached on Monday - Friday 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matt Kim can be reached on 571-272-4182. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jonathan Barton  
Examiner  
Art Unit 2186



JB



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